

LINCOLN CITY/LANCASTER COUNTY PLANNING DEPARTMENT
COMBINED STAFF REPORT

P.A.S.#: Windhoek 4th Addition
Special Permit #1386B, Community Unit Plan
Change of Zone #3319 from AG to AGR

Date: April 16, 2001

Note: This is a combined staff report for related items. This report contains a single background and analysis section for all items. However, there are separate conditions provided for each individual application.

PROPOSAL: Gary Bredehoft, Olsson Associates, on behalf of Richard and Ann Hudson, has applied for a Change of Zone from AG to AGR, and an amendment to the Special Permit to add one lot to the Windhoek Community Unit Plan, generally located at South 112th Street and Van Dorn Street.

Requested waivers:

1. Section 26.27.020 Sidewalks
2. Section 26.27.090 Street trees
3. Section 26.27.070 Street lighting
4. Section 26.27.080 Landscape screens.
5. Section 28.23.105 Storm water detention

GENERAL INFORMATION:

CONTACT: Gary L. Bredehoft
Olsson Associates
1111 Lincoln Mall
Lincoln, NE 68508
(402) 474 - 6311

DEVELOPER: Richard and Ann Hudson
11403 Van Dorn
Lincoln, NE 68461
(402) 488 - 3366

OWNER: Richard and Ann Hudson
Husband and Wife

LOCATION: East of S. 112th Street and north of Van Dorn.

LEGAL DESCRIPTION:

For Change of Zone #3319:

Outlot 'A', Windhoek 3rd Addition, in Section 31, Township 10 North, Range 8 East of the 6th P. M., Lancaster County, Nebraska.

For Special Permit # 1386B

A tract of land composed of Outlots 'A' and 'C', Windhoek Addition, and Lots 2 and 3, Block 1, and Lots 1,2,3 and 4, Block 2 and Lot 1, Block 3 and Outlots 'A' and 'B' Windhoek 2nd Addition, and Lot 1, Block 1 and Outlot 'A', Windhoek 3rd Addition, All located in Section 31, Township 10 North, Range 8 East of the 6th P.M., Lancaster County, Nebraska.

EXISTING ZONING: AG Agriculture

SIZE: 102.65 acres, more or less (Outlot "A") for the Change of Zone and 153.65 acres, more or less in the Community Unit Plan.

EXISTING LAND USE: Farmland and equestrian use, as part of an existing Community Unit Plan.

SURROUNDING LAND USE AND ZONING: Walton to the north. Agriculture to the east and west. Single family acreages to the south. Zoned AG on all sides with a special permit for a community unit plan on this and the land to the south and east.

COMPREHENSIVE PLAN SPECIFICATIONS: IN CONFORMANCE. The 1994 Lincoln/Lancaster County Comprehensive Plan , figure 16, Lincoln's Land Use Plan, shows this as Residential, Low Density. This was shown for acrages in the 1994 Plan.

HISTORY: Changed from AA Rural and Public Use to AG Agriculture zoning in the 1979 zoning update. Windhoeck Community Unit Plan was approved in December of 1990. Administrative Amendments have been approved in 1991, 1992 and 1999. An amendment for streets was approved in March 1995. The final plat for Windhoeck was approved in 1991.

SPECIFIC INFORMATION:

DESCRIPTION OF PROPERTY: The property is farm land and a designated equestrian area for the acreage community unit plan. The area for the proposed new dwelling unit is separated from the balance of the outlot by a creek and wooded area.

UTILITIES & SERVICES:

- A. **Sanitary Sewer:** A private waste water system is proposed.
- B. **Water:** An Individual well is proposed.
- C. **Roads:** South 112th Street ,120th and Van Dorn are gravel county roads. "A" street is a paved county road.
- D. **Parks and Trails:** The MO Pac trail is just north of this area.
- E. **Public Service:** This area is served by the Southeast Rural Fire District and LES.
- F. **Schools:** This is in the Waverly School District.

ENVIRONMENTAL CONCERNS: There are no historic resources identified in this parcel. There is FEMA 100 year flood plain along the creek between the proposed Lot One and the new Outlot.

REGIONAL ISSUES: City growth, the current development of the Comprehensive Plan and development of Stevens Creek.

ALTERNATIVE USES: Remaining an Outlot with no additional dwellings.

ANALYSIS:

1. This is a request for a Change of Zone from AG Agriculture to AGR Agriculture Residential District and an amendment to the Community Unit Plan to add 1 additional single family, acreage size, residential lot. An administrative final plat will be filed to create the one lot proposed.
2. The current Community Unit Plan is at maximum density (8 units) under the AG zoning. A change of zone is required to add any units. The change of zone on this 102.65 acres will raise the potential units available by about 27 units.
3. This is in conformance with the Lincoln and Lancaster County Land Use Plans. The area is shown as Low Density Residential on the Future Land Use Plan (figures 16 and 17) and as Urban Reserve in the Lincoln Service Limit and Phasing Plan (figure 65).
4. LES is requesting easements.
5. The County Engineers' notes no objection.

6. Public Works notes no objections.

7. The applicant is requesting waiver of sidewalks, street trees, street lights, stormwater detention and landscape screens. The requests are reasonable as this reflects the rural nature of the area, has lots over one acre in size and will not be annexed at this time, and complies with all considerations of section 26.27. The same waivers apply to the current CUP.

8. Health Department notes that water should not be a problem in this area. Sewage disposal is proposed as an individual system. Soils, floodplain and high ground water may restrict the ability to use a septic system.

CONCLUSION:

This proposal is in compliance with the comprehensive plan and represents a minor change to the existing Community Unit Plan by adding one lot. Any additional changes will require additional amendments to the plan as approved.

STAFF RECOMMENDATION:

Change of Zone #3319 Approval

Special Permit #1386B Conditional Approval

SPECIAL PERMIT #1386B

Conditional Approval

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:

1.1 Revised the site plan to show;

- 1.1.1 Revise note #4 to reflect access for Lot 1 Windhoek 4th Addition.
- 1.1.2 Show the easements requested by Lincoln Electric System.
- 1.1.3 Show the 100 year flood plain and flood way.
- 1.1.4 Revise note #9 to reflect “site” not “plat”.
- 1.1.5 Revise note #8 to remove “Preliminary Plat”.
- 1.1.6 Revise the approval block to remove “Preliminary Plat”.
- 1.1.7 Add a note that lagoons shall not be prohibited if a septic system can not be approved.
- 1.1.8 Add a note to reflect the lowest building opening shall be 1' above the 100 year flood plain elevation.
- 1.1.9 Revise the Legal Description to show all the Community Unit Plan.
- 1.1.10 Revise the vicinity map to show all of the CUP.
- 1.1.11 Revise the site plan to show the boundary of the entire CUP.

General:

2. This approval permits a total of 9 dwelling units.

3. Before receiving building permits:

- 3.1 The permittee shall submit a permanent reproducible final site plan as approved and three copies to the Planning Department.

STANDARD CONDITIONS:

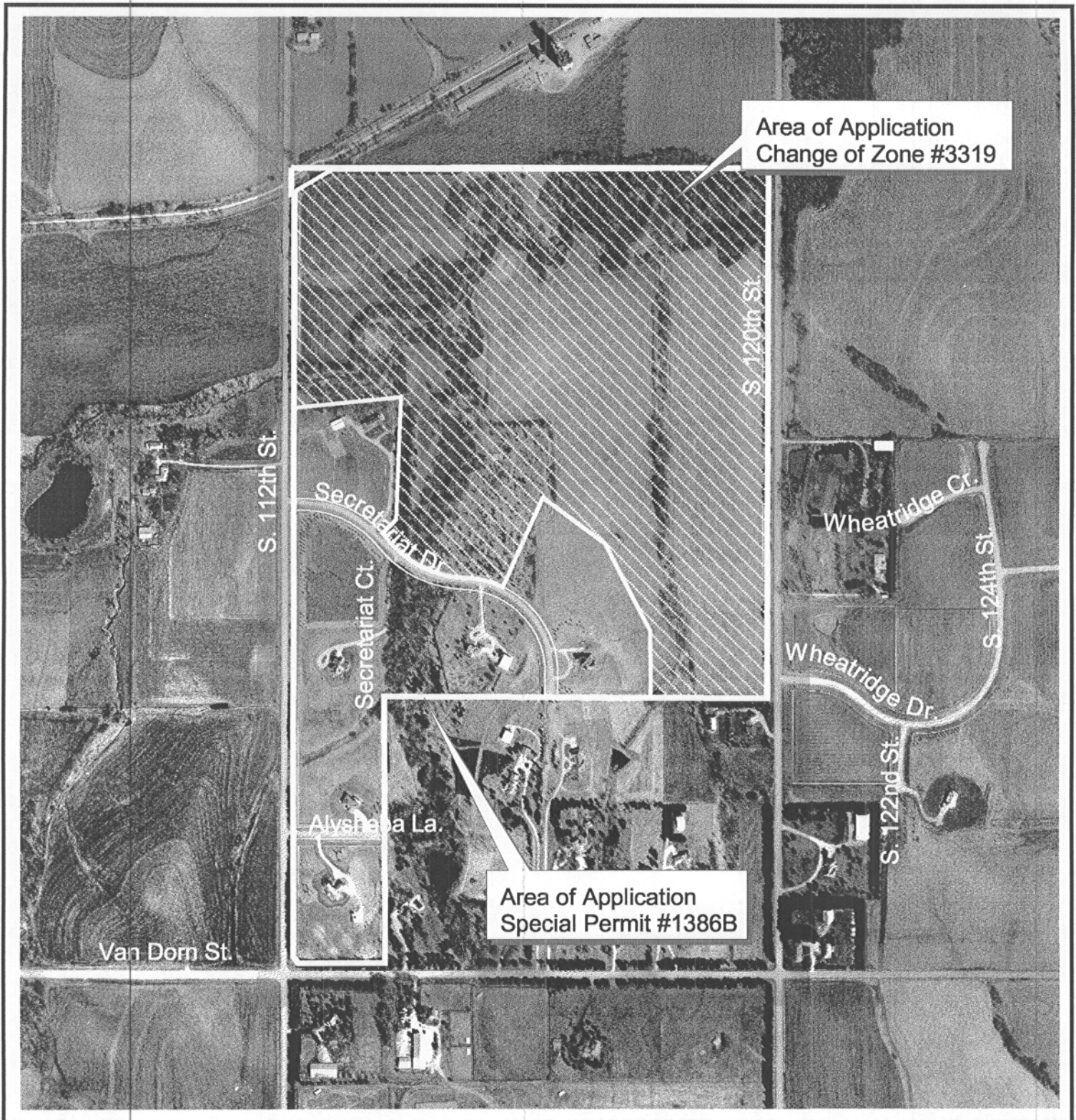
4. The following conditions are applicable to all requests:

- 4.1 Before occupying this additional dwelling unit, all development and construction is to comply with the approved plans.
- 4.2 All privately-owned improvements are to be permanently maintained by the permittee, its successors and assigns
- 4.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
- 4.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
- 4.5 The City Clerk is to file a copy of the resolution approving the permit and the letter of acceptance with the Register of Deeds. The Permittee is to pay the recording fee.

5. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Prepared by:

Michael DeKalb, AICP
Planner

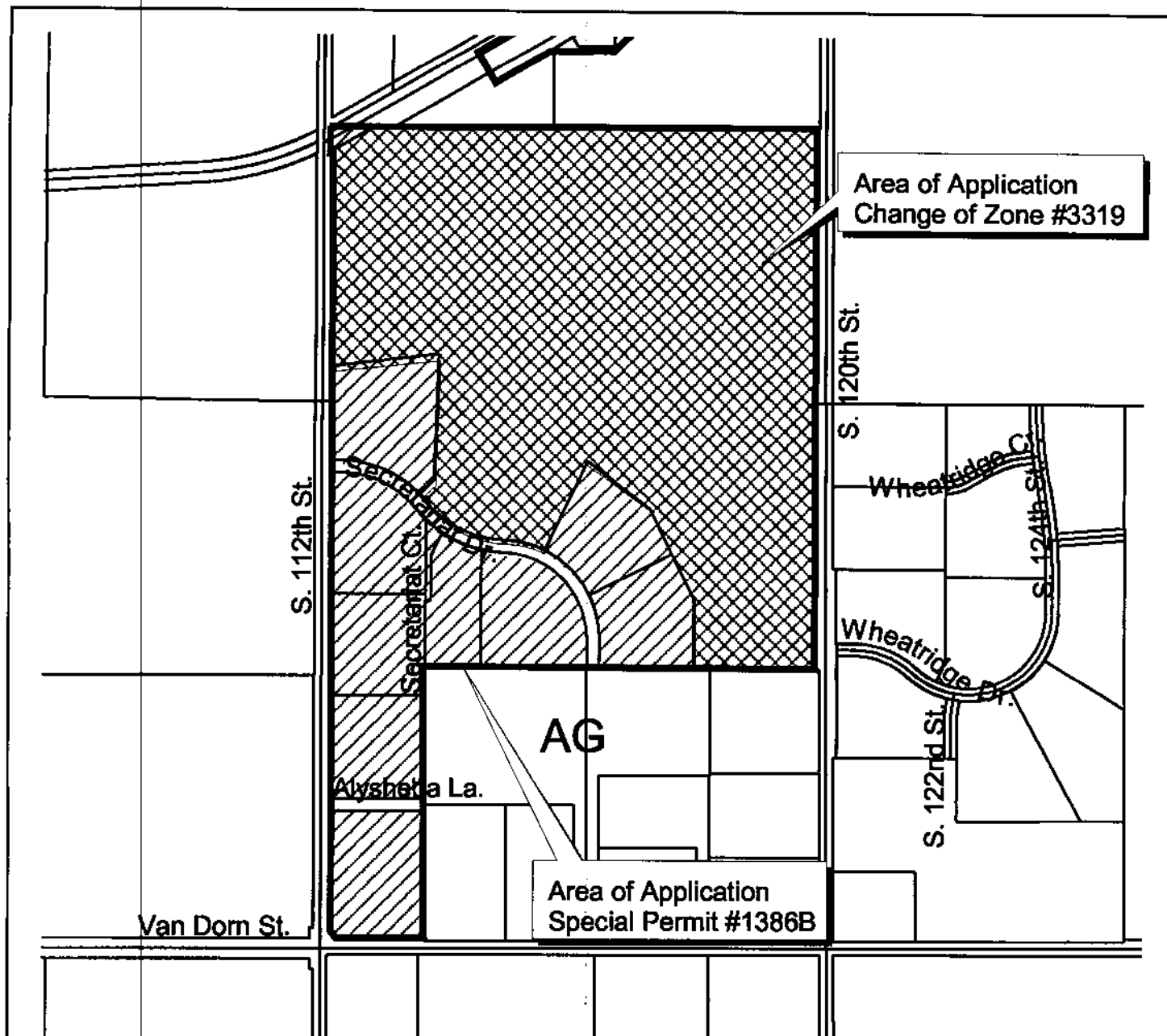


**Change of Zone #3319
Special Permit #1386B
S. 112th & Van Dorn St.**

Sheet 1 of 3
Date: 4-16-01

Photograph Date: 1997

Lincoln City - Lancaster County Planning Dept.



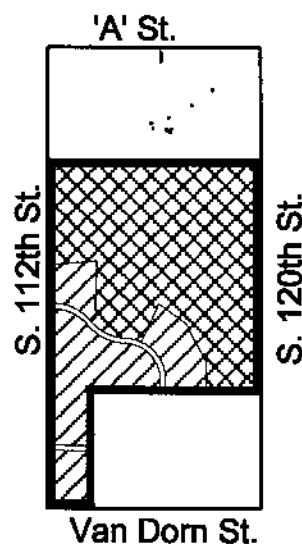
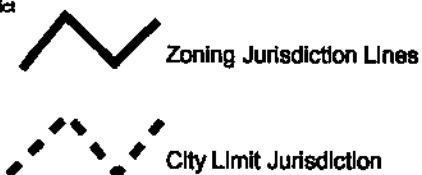
**Change of Zone #3319
Special Permit #1386B
S. 112th & Van Dorn St.**

Zoning:

- | | |
|------------|--|
| R-1 to R-8 | Residential District |
| AG | Agricultural District |
| AGR | Agricultural Residential District |
| R-C | Residential Conservation District |
| O-1 | Office District |
| O-2 | Suburban Office District |
| O-3 | Office Park District |
| R-T | Residential Transition District |
| B-1 | Local Business District |
| B-2 | Planned Neighborhood Business District |
| B-3 | Commercial District |
| B-4 | Lincoln Center Business District |
| B-5 | Planned Regional Business District |
| H-1 | Interstate Commercial District |
| H-2 | Highway Business District |
| H-3 | Highway Commercial District |
| H-4 | General Commercial District |
| I-1 | Industrial District |
| I-2 | Industrial Park District |
| I-3 | Employment Center District |
| P | Public Use District |

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**One Square Mile
Sec. 31 T10N R8E**



Sheet 2 of 3
Date: 4-16-01
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